

REMARKS

Claims 1 and 4-21 are pending. Reconsideration of all pending claims is respectfully requested in light of the following remarks.

Rejections under 35 U.S.C. § 103

Claims 1 and 4-21 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,787,175 (“Carter”) in view of U.S. Patent Publication 2006/0173999 (“Rider”). In response, Applicants respectfully traverse the rejection of the claims on the grounds that the combination of references is defective in establishing a prima facie case of obviousness with respect to all of the claims.

In *KSR Int'l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), the Court stated that:

a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known."

Id. at 1741 (emphasis added).

As the PTO recognizes in MPEP § 2142:

The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.

In the present application, a prima facie case of obviousness does not exist for the claims for the reasons set forth below.

MPEP 2143.03 states that "All words in a claim must be considered in judging the patentability of that claim against the prior art.' *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." However, in the present matter, the Examiner has not shown that all words in the claims have been considered. In particular, claim 1 requires, *inter alia*, "building a member definition comprising . . . an access control list and a digital signature." The Examiner has cited Carter as teaching these elements. Specifically, with regard to the access control list, the Examiner cites column 12, lines 56-57, column 13, lines 52-62, and Fig. 5, reference numeral 100, of Carter as teaching an "encrypted key document" signed by the public key of the member. The Examiner goes on to state that:

Response Under 37 CFR § 1.116

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Only the member with the corresponding private key can access the document. In particular see the following which is disclosed on column 13, lines [sic] 64-column 13, lines [sic] 5, 'The encrypted document key 100 is formed by encrypting the document key obtained during the step 110 with the public key of the member in question, which was obtained during step 116. Note that the underlying document key is the same for each member of the collaborative group, but the encrypted form 100 of the document key is unique to each member. Those of skill in the art will appreciate. [sic] that the encrypted document key 100 can be decrypted only by using the private key 80 that corresponds to the public key 78 used to encrypt the document-key.

The Examiner further refers to the "collaborative access controller 44" which is described on column 6, lines 11-22 as the access controller which restrict [sic] access to the members only. Non members are restricted from [sic] accessing the information." Clearly, the portion of Carter cited by the Examiner does not disclose or teach an access control list, as that phrase is commonly understood and used consistently throughout Applicants' specification and claims. For example, as described in paragraphs [0023]-[0025]:

[0010] *Access control list 20 are the applicable access rights for this particular member. An "access control list" can be used as a basis for permitting access to a document. Different computer systems configure access control lists differently, but in general system users are assigned to one or more groups by a system administrator and a list which matches groups with access rights is associated with documents in the computer system. Access rights can be any form of access right for a particular computer system, including read, write, read/write, execute, and delete. Other access rights are also readily known in the art and could be used.*

[0011] *The ACL portion of the member definitions is evaluated by an access mechanism. An access mechanism can be an agent, service, file system extension (e.g., a POSIX extension), or a file system access.*

[0012] *When an access mechanism processes an access request, only that portion of the document that is accessible via the ACL of the member definition will be affected.*

Clearly, the cited portions of Carter cannot be construed as describing an access control list as that phrase is used in the claims.

Additionally, with regard to the digital signature, the Examiner cites column Fig. 5, reference numeral 102, and column 14, lines 15-21 of Carter as teaching an "encrypted message digest," which the Examiner equates to Applicants "digital signature." The cited portion states that:

the encrypted message digest 102 is formed by generating a message digest based on the current contents of the data portion 94 of the document 90 and then encrypting that message digest with the private key 80 of the member who is signing the document 90.'

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The Examiner further cites to the abstract and column 6, lines 11-12, which discloses:

collaborative signatures, such that members of the group can digitally sign a particular version of the data portion. These collaborative signatures can then be used to advantage in ways similar to conventional individual digital signatures. For instance, the collaborative signatures can be used to identify the signing member.

In response, Applicants submit that neither the "encrypted message digest" nor the "collaborative signatures" discussed in the cited portions of Carter are equivalent to Applicants' "digital signature." In particular, as described in paragraph [0053]:

if the member definition contains a digital signature, that digital signature could be verified in order to determine if the member definition is properly a part of the requested document (e.g. the digital signature is that of the owner or administrator of the document), or if the digital signature matches the user identifier of the user accessing the document.

Clearly, the "encrypted message digest," although forming a part of the member definition, does not perform the functions of the digital signature as described above. Moreover, the "collaborative signatures" do not form a part of the member definition and therefore also are not equivalent to the digital signature.

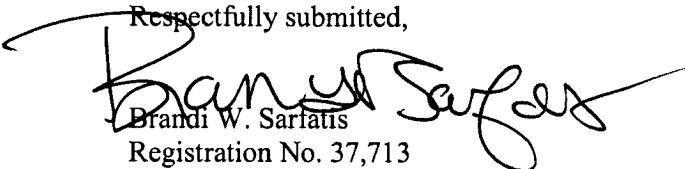
The above-noted deficiencies of Carter are not remedied by Rider, which is cited as teaching linking the member definition to a first data portion of a document; receiving a request from the user to access the document; comparing the request with the access right; and allowing access to only the first data portion.

In view of the foregoing, even assuming *arguendo* that Carter and Rider are properly combinable, the combination clearly fails to teach or suggest the invention as recited in claim 1; therefore, the rejection is not supported by the cited combination and should be withdrawn. Claims 11 and 21 include limitations similar to those of claim 1 and are therefore also deemed to be in condition for allowance for at least the same reasons presented above. Claims 4-10 and 12-20 depend from and further limit claims 1 and 11 and therefore are deemed to be in condition for allowance for at least that reason.

Conclusion

It is clear from all of the foregoing that all of the pending claims are now in condition for allowance and prompt notification to that effect is therefore respectfully requested. The Examiner is invited to contact the undersigned at the numbers provided below if further discussion is required.

Respectfully submitted,


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I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via EFS-Web on the following date.

Date: December 10, 2008
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